

United States District Court
Southern District of Texas

ENTERED

December 16, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JAMES SCHORSCH,

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Plaintiff,

v.

Civil Action No. 2:21-CV-00109

EVELYN CASTROL, ET AL.,

Defendants.

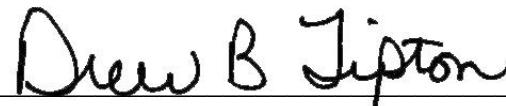
ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is the Memorandum and Recommendation ("M&R") of Magistrate Judge Jason Libby. (Dkt. No. 7). Magistrate Judge Libby recommends the Court dismiss James Schorsch's Section 1983 claims because he did not pay the filing fee or show cause as to why he cannot. Fed. R. Civ. P. 41(b). *See, e.g., Coleman v. Sweetin*, 745 F.3d 756 (5th Cir. 2014) (district courts may *sua sponte* dismiss a case under Rule 41(b)).

Schorsch did not object after he was provided proper notice and the opportunity. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). So, review is for plain error. *Hawes v. Stephens*, 964 F.3d 412, 415 (5th Cir. 2020). There is none. Thus, the Court **ACCEPTS** the M&R as that of the Court and **DISMISSES WITHOUT PREJUDICE** Schorsch's claims.

It is SO ORDERED.

Signed on December 16, 2021.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE